

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN LENZ,

Plaintiff,

vs.

INTERNATIONAL UNION, et al,

Defendants.

Case No. 08-10470

Anna Diggs Taylor
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR ADDITIONAL DISCOVERY
AND TO COMPEL DISCOVERY**

Plaintiff filed a motion for additional discovery and to compel discovery. (Dkt. 13). That motion was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) for hearing and determination. (Dkt. 15). The motion seeks additional discovery, outside the previously established discovery period for this case, for the purpose of allowing plaintiff to respond to the motion for summary judgment filed by defendant International Union UAW. (Dkt. 11). The motion for additional discovery was opposed by defendant International Union UAW, who claimed that no additional discovery was necessary for resolution of the motion for summary judgment. (Dkt. 17).

Prior to the hearing on the motion for additional discovery the parties filed a stipulation providing for the deposition of two additional potential witnesses. The parties have also submitted a stipulation and proposed order extending the discovery cut-off date to October 13, 2008 and also extending the dispositive motion cut-off date to December 13, 2008. The decision regarding the extension of those time periods has not been referred to the undersigned.

A hearing was held on that motion on September 11, 2008. Counsel for all parties participated in the hearing which was conducted by conference call. During the hearing, the parties confirmed their stipulation regarding the additional two potential witnesses as well as their agreement to seek an extension of the discovery cut-off and dispositive motion cut-off dates as indicated above. The parties also agreed that neither the additional discovery contemplated by the stipulation nor any other discovery done by agreement would result in a need to change the October 27, 2008, hearing date for the Motion For Summary Judgment.

Based on the above, the motion for Additional Discovery is **GRANTED** consistent with the terms of the stipulation to produce witnesses (Dkt. 21) and **DENIED**, without prejudice, as moot, with respect to any further discovery relating to the motion for summary judgment previously filed in this matter. It is

recommended that the District Court accept the stipulation of the parties and extend the cut-off dates for discovery and dispositive motions as requested which will not necessitate the rescheduling of the motion for summary judgment beyond the present date of October 27, 2008.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service, as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: September 11, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Alex I. Alexopoulos, Ava R. Barbour, and Matthew Wigent, and I hereby certify that I have mailed by United States Postal Service the foregoing pleading to the plaintiff, a non-ECF participant, at the following address: not applicable.

s/James P. Peltier
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